IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 5702 (S/S) of 2001
(Old no. 34985 of 1993)

Sri Ranbir Singh S/o Sri Sukhvir Singh,
R/o village Movana, District Jind,
Hariyana. ------Petitioner.

Vs.

1. The Commandant, 21 B.R.T.F.,
   C/o 56 A.P.O.,
2. The Chief Engineer Hq. C.E.(P),
   Deepak G.R.E.F. C/o 56 A.P.O.,
3. The Director General Border Roads,
   Kashmir House, D.H.Q., P.O. New Delhi 11,
4. The Secretary, B.R.D.B. and B Wing 4th Floor,
   Sena Bhawan, New Delhi-11. -------Respondents.

Sri B.S. Adhikari, learned Counsel for the petitioner,
Smt. Anjali Bhargava, learned Standing Counsel for Union of India/respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri B.S. Adhikari, learned counsel for the petitioner and Smt. Anjali Bhargava, learned Standing counsel for Union of India/respondents.

The petitioner, who was working as Superintendent B/R Grade-II, was terminated from service by respondents on 26th December 1992 on the ground that he remained absent for a period of 2 years' 8 moths' and 2 days. Stand of the petitioner is that he was initially sanctioned study leave for a period of 98 days. The said period of leave was lateron extended by the Department. However, after he had joined his services, he was served upon a charge sheet and was terminated from services on the ground that he remained absent for a period of 2 years 8 months and 2 days.

Aggrieved with the order of termination, the petitioner preferred the instant writ petition and during the pendency of this petition, the petitioner has also filed Departmental appeal against his termination order before the Appellate Authority and the Appellate Authority vide its order dated 24th June 1994 while setting-aside the termination order, has allowed the appeal of petitioner.

After setting-aside the termination order by the Appellate Authority, the respondent have not treated the absence period of 24 months as study leave and have granted extraordinary leave, consequently the petitioner moved amendment application to add the prayer to issue a writ in the nature of mandamus directing the respondents to treat the period of 24 months also as study leave.

On the order hand, learned Standing Counsel has submitted that the study period, at one time, can be granted only for 12 months and, as such, the respondents have every right not to treat the period of 24 months as study leave.

Since the main prayer in the writ petition, which was confined for quashing of termination order, has already been granted by the Appellate Authority, I deem it fit and proper directing the petitioner to move representation before appropriate authority for considering the period of 24 months as study leave, in case, it is admissible under law. In case, the petitioner approaches the authorities by making representation, it is expected from the respondents that they will take decision on the same for considering the period of 24 months as study leave, if it is permissible under the law, within a period of six

weeks from the date of production of a certified copy of this order.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

May 22, 2007:
NCM: